

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SHELBY GAIL HEIFETZ,  
Plaintiff,  
v.  
VALERIE J. MACKEN, et al.,  
Defendants.

Case No. 19-cv-04081-VKD

**ORDER TO SHOW CAUSE WHY  
ACTION SHOULD NOT BE  
DISMISSED**

Plaintiff Shelby Heifetz filed the present action on July 16, 2019. Dkt. No. 1. Pursuant to General Order 56, plaintiff's last day to complete service on all defendants or to file a motion for administrative relief from the service deadline was September 16, 2019. Dkt. No. 4. On October 1, 2019, Ms. Heifetz returned the executed summons indicating that she had served defendant Jose Hernandez on August 15, 2019.<sup>1</sup> Dkt. No. 9. However, the docket does not indicate that Ms. Heifetz ever completed service on defendants Valerie Macken or Galdino Hernandez, or that those two defendants have waived service of summons.

Additionally, pursuant to General Order 56, the parties' last day to conduct a joint site inspection was October 29, 2019 and Ms. Heifetz's last day to file a notice of need for mediation was December 10, 2019. Dkt. No. 4. Ms. Heifetz did not file a notice of need for mediation, nor did she seek relief from the December 10 deadline.

The Court possesses the inherent power to dismiss an action sua sponte "to achieve the

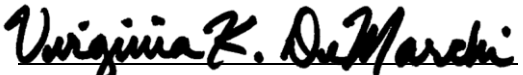
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<sup>1</sup> Mr. Hernandez's deadline to respond to complaint was due on September 5, 2019, but he did not file his answer until October 4, 2019. Fed. R. Civ. P. 12(a)(1)(A)(i); Dkt. No. 10. Despite multiple successive clerk's notices to do so, Mr. Hernandez has not filed a consent or declination to proceed before a magistrate judge. Dkt. Nos. 11, 12.

1 orderly and expeditious disposition of cases.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33  
2 (1962). The parties are directed to file a written response, jointly or separately, to this order by  
3 **December 18, 2019** and to appear before the Court on **December 20, 2019 at 10:00 a.m.** in  
4 Courtroom 2, Fifth Floor, 280 South First Street, San Jose, California 95113 and show cause why  
5 this action should not be dismissed without prejudice for failure to prosecute.

6 **IT IS SO ORDERED.**

7 Dated: December 11, 2019

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10 VIRGINIA K. DEMARCHI  
11 United States Magistrate Judge  
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